

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PETER BOTTZECK,
Plaintiff,

v.

TEAMSTERS LOCAL 631,
Defendant.

Case No. 2:19-cv-00363-APG-EJY

REPORT AND RECOMMENDATION

Re: Failure to Comply With Court's
May 28, 2019 Order (ECF No. 3)

This matter is before the Court on Plaintiff's failure to comply with the Court's May 28, 2019 Order (ECF No. 3). On May 28, 2019, Judge George Foley, Jr. granted Plaintiff's Application for Leave to Proceed *in forma pauperis* (ECF No. 1), and dismissed Plaintiff's Complaint (ECF No. 1-1) without prejudice with leave to amend. Specifically, Judge Foley held that:

Plaintiff's complaint fails to satisfy Rule 8's standards and instead contains two conclusory sentences wherein Plaintiff alleges that his rights were violated under Title VII based on reverse race discrimination. Without being provided further the Court is unable to determine whether Plaintiff's claim may proceed. For this reason, the Court must dismiss Plaintiff's complaint with leave to amend to correct the noted deficiency.

ECF No. 3 at 2:27–3:3. In light of the above, Judge Foley gave Plaintiff until "June 28, 2019 to file his amended complaint." *Id.* at 3:17–18. To date, Plaintiff has not submitted an amended complaint, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

IT IS HEREBY RECOMMENDED that Plaintiff's action, docketed as 2:19-cv-00363-APG-EJY, be dismissed with prejudice.

IT IS FURTHER RECOMMENDED that the Clerk of the Court be instructed to close this case and enter judgment accordingly.

DATED: January 24, 2020.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).